

REMARKS

Claims 1-18 are pending in the instant application. Claims 1-18 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 5,630,070 to Dietrich et al. (hereinafter "Dietrich") in view of U.S. Patent No. 5,239,487 to Horejsi et al. (hereinafter "Horejsi"). The Applicants submit that claims 1-18 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding objections.

Claim Rejections under 35 U.S.C. § 103

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich et al. in view of Horejsi. The Applicants respectfully traverse the rejections of claims 1-18 for at least the reasons presented herein.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

This rejection is respectfully traversed for the following reasons. The examiner has failed to establish a *prima facie* case of obviousness. To establish *prima facie* obviousness of a claimed invention, three basic criteria must be met. *See* MPEP § 2143.

a) First, the prior art references must teach or suggest all of the claim limitations. *See id.* With respect to claim 1, none of the references, however, teach or suggest "***providing at least one rework Bill of Materials flow for use in conjunction with other Bills of Materials flow in a production planning process...applying rework parametric information to the at least one rework Bill of Materials flow resulting in a manufacturing plan for rework***

operations...and generating an integrated manufacturing plan that includes the manufacturing plan for rework operations and the other Bills of Material flow.” Neither Dietrich, nor Horejsi, either alone, or in combination, teach or make obvious a “rework Bill of Materials flow for use in conjunction with other Bills of Materials flow in a production planning process.” Moreover, neither of the references, alone or in combination, teach or make obvious “applying rework parametric information to the at least one rework Bill of Materials flow resulting in a manufacturing plan for rework operations...and generating an integrated manufacturing plan that includes the manufacturing plan for rework operations and the other Bills of Material flow. Dietrich, at best, teaches a manufacturing plan including a Bill of Materials flow. Horejsi discloses a method of rework operations but does not teach generating a rework Bill of Materials flow. Accordingly, the combination of Dietrich and Horejsi would not teach an integrated manufacturing plan that includes a manufacturing plan for rework operations and other Bills of Material flow.

b) Second, there must be some suggestion or motivation in the references themselves to modify the reference or to combine reference teachings. *See id.* None of the references contain any suggestion or motivation to one of ordinary skill in the art to modify or combine the references. Dietrich teaches a manufacturing resource planning process that does not include any type of rework operations. Moreover, Dietrich is devoid of teaching combining or integrating any type of Bills of Material within a production planning process. The integration actions disclosed by Dietrich reference the integration of a shipping schedule, production schedule, and part usage schedule. Dietrich, however, does not teach or suggest the integration of anything within the manufacturing plan as recited in claim 1. While Horejsi discloses a computer-implemented process for performing rework operations, such similarities between Horejsi and Applicants’ claim 1 end there. Horejsi is focused on a process for diagnosing and reworking items in a manufacturing process but *does not even remotely suggest a rework Bill of Materials flow, much less suggest “generating an integrated manufacturing plan from a rework Bill of Materials flow and other Bills of Material flow”,* as recited in claim 1.

c) Third, there must be a reasonable expectation of success. *See id.* At the time of the patentee’s invention, a person of ordinary skill in the art must have had a reasonable

CONCLUSION

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 50-0510.

Respectfully submitted,

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